

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shadman Khan	Team: Squad #12	CCRB Case #: 202005339	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/13/2020 8:00 PM	Location of Incident: Centre Street and Chambers Street	Precinct: 05	18 Mo. SOL 1/13/2022	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 07/14/2020 7:45 AM	CV Reported At: IAB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/29/2020 11:45 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers threatened individuals with the use of force.	
B. An officer	Force: An officer struck an individual with a nightstick.	
C. An officer	Force: An officer used physical force against an individual.	

Case Summary

On July 14, 2020, § 87(2)(b) filed this complaint with IAB through a 311 call, which was subsequently received by the CCRB on July 29, 2020.

On July 13, 2020, at approximately 8:00p.m., § 87(2)(b) was on the southeast corner of Centre Street and Chambers Street in Manhattan when two unidentified officers arrived in a marked vehicle. The officers approached a group of protestors and informed them that if they did not return home, then they would be hit with nightsticks (**Allegation A - Abuse of Authority: Threat of Force**, § 87(2)(g)). Both officers approached an unidentified female and spoke with her briefly. One of the officers struck the female twice on her lower left leg with a nightstick (**Allegation B – Force: Physical Force**, § 87(2)(g)) while the other officer pushed her on her right torso area, causing her to fall on the ground (**Allegation C – Force: Physical Force**, § 87(2)(g)).

No video footage was recovered in this case (Board Review 12).

Findings and Recommendations

Allegation (A) Abuse of Authority: Officers threatened individuals with the use of force.

Allegation (B) Force: An officer struck § 87(2)(b) with a nightstick.

Allegation (C) Force: An officer used physical force against § 87(2)(b)

Known Facts and General Descriptions

§ 87(2)(b) filed this complaint with IAB on July 14, 2020 at approximately 7:45 a.m. In the complaint, § 87(2)(b) stated that this incident occurred “Yesterday,” and “This was at 8PM.” (Board Review 13).

§ 87(2)(b) provided an initial statement to the CCRB on September 15, 2020 (Board Review 01) and provided additional information in a second statement to the CCRB on September 29, 2020 (Board Review 02). In these statements, § 87(2)(b) stated that on July 13, 2020, he was alone on the sidewalk at Centre Street and Chambers Street in Manhattan during a 2020 police brutality protest. § 87(2)(b) was at the location because he had been helping his friend with his vehicle, which stopped near a bridge. While protestors marched down Chambers Street, three marked NYPD arrived. Each marked vehicle contained two officers, for a total of six officers. § 87(2)(b) witnessed a male and female officer, who had exited a marked vehicle, inform the protestors that they would be hit with nightsticks. Both officers then approached an unidentified female who held a stroller with an approximately § 87(2)(b) old baby inside. The unidentified female requested to walk across Chambers Street, which both officers denied. The unidentified female had also bought food from a cart. § 87(2)(b) witnessed the female officer striking the unidentified female on the lower left leg twice while the male officer pushed her on her right torso, which caused her to fall to the ground. The stroller and the baby also fell onto the street. The male officer returned to his vehicle and began to drive away, which almost resulted in a collision with the baby. § 87(2)(b) saw that the unidentified female’s leg and elbow had been bleeding afterwards, and that she suffered bruises on her elbows as a result of falling on the ground. The unidentified female picked up the baby and requested medical attention from the female officer. After the female officer requested medical assistance, a male sergeant arrived at the location. The female officer informed the sergeant that the unidentified female simply fell on the ground. The sergeant also spoke with three MTA workers, who informed him that the female officer pushed the

unidentified female to the ground. Once the ambulance arrived, they treated both the unidentified female and the baby with bandages. The ambulance then took the unidentified female inside of the ambulance and left the incident location. According to § 87(2)(b) the female was black, in her 30s, and dressed in black pants and a blue shirt. § 87(2)(b) was unable to provide any other descriptive information of the female. § 87(2)(b) described one of the officers as an Asian male, approximately 5'6" tall, skinny build, black hair, in his 30s, and dressed in uniform. § 87(2)(b) described the other officer as an Asian female, approximately 5'9" tall, skinny build, black hair, and dressed in uniform.

Google searches were conducted using the information provided by § 87(2)(b) (Board Review 19). The search yielded negative results for any protests or police action on the date of the incident. Searches conducted on the Youtube and Twitter platforms using the same information yielded negative results (Board Review 20). An Instagram search was conducted using the hashtag provided by § 87(2)(b) and keywords from the information provided (Board Review 18). There were multiple results that showed images of Black Lives Matter protests, George Floyd, and individuals at the protests. The search yielded negative results for the incident.

An NYCMap search was conducted for Centre Street and Chambers Street (Board Review 15). The search indicated that the incident occurred in the 5th Precinct near the border of the 1st Precinct.

Body-Worn Camera

The CCRB's request for BWC footage regarding this incident was returned with negative results (Board Review 12). According to the BWC request receipt, the NYPD conducted a search for any relevant footage from the date and time of the incident for officers assigned to the 5th Precinct. The NYPD also conducted searches of DAS, OMNI, and NYPD forms for the 5th Precinct and the complainant's name for the date of the incident. An additional ICAD search for the incident location and date was also conducted. All of the searches produced negative results for BWC video and any protest radio transmissions.

NYPD Documents Reviewed

The investigation received Resource Recap Logs from 1st and 5th Precincts and Event summaries from the 5th Precinct (Board Review 03-05). The Event Summaries did not have any jobs that were in the location provided by § 87(2)(b). A search of the Resource Recap Logs from both precincts did not have any jobs in the location provided by § 87(2)(b). The names of the officers that responded to possible nearby locations were searched using the CTS+ Member of Service search function. Their pedigree information was compared with the identification information provided by § 87(2)(b). There were no matches for Asian male and female partners that responded to an incident on July 14, 2020 (Board Review 16).

The investigation received the Daily Vehicle Assignment Sheets from the 5th Precinct on the date of the incident (Board Review 06). The document was examined to see which units were assigned to which vehicles. The document did not yield any identifying information.

The investigation received the Roll Call from the 5th Precinct on the date of the incident (Board Review 06). Searches of CTS+ for the pedigree information of officers listed on the Roll Call yielded multiple officers from listed as Asian (Board Review 21). As such, the subject officers could not be identified by this method.

An AIDED search request requires the name of either the civilian or the officer involved on the date of the incident. No AIDED documentation was received.

A NYPD Booking and Arraignment Disposition System search was conducted for the date of the incident (Board Review 07-08). There were negative results for any arrests that occurred in the incident location. The search was widened to include dates from July 12, 2020 to July 14, 2020. There were negative results for arrests related to protest activity (Board Review 17).

Concurrent Investigations

IAB Log# 2020-17797 noted that this complaint was assessed as an OG-5 and referred to the CCRB for FADO-Force. A call was placed to IAB on February 23, 2021, where Det. Jean confirmed there were no concurrent investigations for IAB Log# 2020-17797 and IAB Original Log# 2020-17207.

CTS+ searches for duplicate CCRB complaints were conducted on August 4, 2020 using parameter such as incident date, borough of occurrence, precinct of occurrence, and specific keywords such as, “pushed,” “protest,” “city,” and “hall.” No duplicate complaints were located. A second CTS+ search for duplicate CCRB complaints was conducted using possible incident dates of July 13, 2020 and July 14, 2020. No duplicate cases were found. A search conducted in CTS+ did not yield any protest-related complaints in the vicinity on the date of the incident. No concurrent CCRB cases were located.

Ranking Officers

While § 87(2)(b) stated that a sergeant arrived on the scene after the incident, the investigation was unable definitively identify the date and time of occurrence or any officers that responded to the incident location. Therefore, the investigation could not identify the highest-ranking officer involved in this incident.

Officers Interviewed

As discussed above, since the investigation could not identify the date and time of the incident, as well as any officers that responded, no officers were interviewed.

Allegation Recitation and Disposition

§ 87(2)(b) alleged that on July 13, 2020, at approximately 8:00p.m., on the southeast corner of Centre Street and Chambers Street in Manhattan, two unidentified officers threatened to hit a group of protestors with their nightsticks if they did not disperse. § 87(2)(b) also alleged that one of the officers struck an unidentified female with a nightstick twice on the lower left leg while the other officer pushed the unidentified female in the torso area, which caused her to fall to the ground. The unidentified female had a child with her, both of whom were treated with bandages by an ambulance that arrived on the scene.

The investigation was unable to confirm § 87(2)(b)'s assertion that a protest occurred on July 14, 2020 at approximately 8:00pm in Centre Street and Chambers Street. None of the police documentation received support that an ambulance responded to the incident location on July 14, 2020 for an injured female. Additionally, the extant documents could not identify any officers who matched § 87(2)(b)'s descriptions. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of January 28, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 13).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 11).

Squad No.: 12

Investigator: Shadman Khan Investigator Shadman Khan February 23, 2021
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson February 24, 2021
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____